

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:21-CV-488-BO

PHILIP BULLS, et al.,

Plaintiffs,

v.

USAA FEDERAL SAVINGS BANK, *et*  
*al.*,

Defendants.

**SCHEDULING ORDER**

This matter is before the court on the parties' joint Rule 26(f) report ("discovery plan"). [DE-28]. The court held a discovery management conference on August 1, 2022, to address the parties' dispute regarding whether discovery should be bifurcated and whether Defendants should be allowed to take two Fed. R. Civ. P. 30(b)(6) depositions, one prior to moving for class certification and a second if a class is certified. The court declines to bifurcate discovery where the delay inherent in bifurcation outweighs any arguable efficiencies. Plaintiffs' request for two 30(b)(6) depositions is premature, and Plaintiffs can raise it at a later time, if necessary, after exhausting their meet and confer obligations under Local Civ. R. 7.1(c)(2), E.D.N.C. As to all other issues, the discovery plan is ADOPTED and ORDERED, as modified herein, with the following critical deadlines:

1. Motions for joinder of additional parties or to amend the pleadings shall be filed by the parties no later than **November 10, 2022**. Nothing in this order shall relieve a party of any requirement to obtain court approval prior to joining a party or amending its pleadings;
2. Disclosure of expert witnesses and reports under Rule 26(a) are due from the parties no later than **May 9, 2023**, and from rebuttal experts no later than **June 23, 2023**;

3. All discovery and mediation shall be completed by **August 9, 2023**;
4. Potentially dispositive motions shall be filed by **September 8, 2023**; and
5. This matter will be set for trial by separate order from Judge Terrence W. Boyle. Pursuant to the August 20, 2002 Standing Order entered by Judge Boyle, the court reserves the right to schedule this case for trial as early as thirty (30) days after the dispositive motion deadline.

Any party which makes an appearance after this Scheduling Order has been entered shall be required to confer with opposing counsel within **twenty-one (21) days** and shall be bound by the terms of this order unless the party moves for and obtains amendment of this order by the court.

Supplementations shall be made timely and in accordance with Fed. R. Civ. P. 26(e).

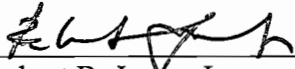
The parties are cautioned not to be dilatory in pursuing discovery. Motions for extension of discovery deadlines are not favored if they would require a continuance of the trial.

This case is subject to mandatory mediation, pursuant to Local Civil Rule 101.1a(b). If the parties are able to agree on a mediator, they shall file a statement identifying the selected mediator and meeting the other applicable requirements within 21 days after the entry of this order, in accordance with Local Civil Rule 101.1c(a). If a statement is not timely filed, the Clerk will appoint a mediator from the list of court-certified mediators, in accordance with Local Civil Rule 101.1c(b). Upon request, this court will assist with settlement negotiations or other ADR by making available a judge other than the trial judge to explore these possibilities.

On consent of all parties, and with the concurrence of the District Judge, this case may be referred to a Magistrate Judge for jury or bench trial, as appropriate, with a peremptory trial setting and the right of direct appeal to the Fourth Circuit. A copy of the consent form may be obtained from the Clerk. The parties are free to withhold consent without adverse substantive consequences. Fed. R. Civ. P. 73(b)(2).

The remaining provisions of the discovery plan not inconsistent with the foregoing are approved and adopted as this court's order.

SO ORDERED, the 1 day of August, 2022.

  
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Robert B. Jones, Jr.  
United States Magistrate Judge